HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.14773 OF 2006

Between:

Mothilal Kanjani and another
. . .Petitioners

AND

The Kukatpally Municipality
. . .Respondent

Counsel for the Petitioners :Shri P.Veera Reddy

Counsel for the Respondent : Shri P.Radhakrishna

Dated: 14th September, 2006

: ORDER :

PER G.S.SINGHVI, CJ

In this petition, the petitioners have made the following substantive prayer:

> "It is therefore prayed that this Hon'ble Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in proposing to demolish the structures of the petitioners in premises No.2-22-275/A/2 and 2-22-275/A/3, Lakshmi Commercial Complex, Bhagyanagar Colony, Kukatpally, R.R. District in pursuance of notices No.TPS-I/9/2/KPM-2006 and TPS-I/9/3/KPM-2006, Dated 16/05/2006 of the respondent as illegal, irregular, unjustified, contrary to the provisions of A.P. Municipalities Act and the principles of natural justice and unsustainable and set aside the notices."

At the hearing, Shri Polisetti Radhakrishna, learned counsel for the respondent made a statement that no notice has so far been issued to the petitioners proposing to demolish their property on the ground of unauthorized construction.

In view of the statement made by Shri Radhakrishna, the writ petition is disposed of as premature.

This would necessarily mean that as and when notice is issued by the competent authority to the petitioners requiring them to remove alleged unauthorized construction or any action is taken in that regard,

the petitioners shall be free to avail appropriate legal remedy.

As a sequel to disposal of main petition, W.P.M.P.No.18419 of 2006 filed by the petitioners for interim relief is also disposed of as infructuous.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 14.09.2006

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